

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Crim. No. 04-10219-JLT
)
EMMANUEL LEE)

REQUEST TO RESCHEDULE DATE FOR SENTENCING HEARING

Now Comes defendant Emmanuel Lee, who respectfully moves this Court to reschedule his sentencing date from September 29, 2005 to some time in late October including but not limited to October 25, 26, 27, 28, 2005. As grounds for this request, defendant states the following:

1. Counsel for the defendant has spoken to the Probation Officer assigned to this case and she assents to the request. There have been attempts to contact AUSA Glenn McKinley, but he is presently on vacation.

2. Counsel is beginning a first degree murder trial on September 26, 2005 entitled Commonwealth v. Ly. As this case will be in Suffolk Superior Court, the case will be tried on a full day schedule and is expected to take about 2 weeks to try.

3. The Probation interview has also been delayed because Mr. Lee lives in Philadelphia and does not have the funds to travel to Boston for an interview. Arrangements had to be made, as a result, to have part of the Probation report done in Philadelphia.

Wherefore, defendant moves this Court to reschedule the date for Mr. Lee's sentencing hearing for the above reasons. the final status hearing in the instant case to another day in

February except for the dates indicated above. Defendant agrees to waive the Speedy Trial Act for the period of this extension.

Submitted By
Emanuel Lee's Attorney

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AFFIDAVIT OF COUNSEL

I, James Budreau, do state that the following is true to the best of my knowledge:

1. I was appointed as counsel for Emanuel Lee in the above referenced case.

2. The facts contained in the motion are true to the best of my knowledge and recollection.

Signed under pains and penalties of perjury,

James Budreau /S/
JAMES BUDREAU